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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,095	10/10/2003	Bryce C. Waggoner	STD 1200 PA/41213.551	5499

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DINSMORE & SHOHL LLP  
One Dayton Centre  
Suite 500  
One South Main Street  
Dayton, OH 45402-2023

EXAMINER
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NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/685,095	<b>Applicant(s)</b> WAGGONER ET AL.	
	<b>Examiner</b> Patricia L. Nordmeyer	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                              |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/23/04</u> . | 6) <input type="checkbox"/> Other: ____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 8, 11 and 13 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Attia et al. (USPN 6,016,618).

Attia et al. disclose a patient wristband form (Column 3, lines 38 – 40; Figure 1, #10) comprising a transparent ply layer having an upper surface and a lower surface (Column 3, lines 46 – 47; Figure #13) made of film material (Column 3, lines 46 – 47), a release ply having an upper surface and lower surface (Column 4, lines 16 – 17; Figure 3, #23) wherein said release ply having a release coating on said upper surface of said release ply (Column 4, lines 19 – 20; Figure 3, #28) and wherein said transparent ply is removably mounted on said upper surface of said release ply by said pressure sensitive coating (Column 4, line 59; Figure 3, #18), a die cut in said transparent ply defining an elongated wristband (Column 3, lines 55 – 57), an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband (Column 3, lines 46 – 47) and a die cut in said transparent ply defining an overlamine label (Column 3, lines 61 – 64), said label being sized to cover at least a part of said central portion of said elongated wristband so as to cover indicia printed on said opaque coating (Column 5, lines 46 – 50) as in claims 1, 11 and 13. With regard to claims 2 and 14, the

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release ply is substantially larger than said transparent ply and further comprises a paper ply having an upper surface and a lower surface wherein said lower surface of said paper ply has a pressure sensitive adhesive coating which is used to mount the paper ply on the release ply (Column 4, lines 16 – 26). The form contains one or more labels defined by die cuts in the paper ply (Figure 10), the transparent ply is die cut to define one or more additional labels (Figure 10) and a plurality of colored labels that may be affixed to said elongated wristband (Figure 3, #16; Column 3, lines 46 – 47) as in claims 3, 4, 6, 15, 16 and 18. As in claims 5 and 17, the pressure sensitive adhesive coating on said lower surface of said transparent ply is pattern coated such that are beneath said elongated wristband central portion is free of adhesive (Figure 4, #22). With regard to claims 7 and 19, the transparent ply and paper ply are directly adjacent each other to provide a patient wristband of substantially uniform thickness (Column 8, lines 1 – 15), whereby said form may advantageously be printed by means of a laser printer or an ink jet printer (Column 3, lines 48 – 51). The release layer defines a perforation line extending there across between said top ply and said paper ply (Column 5, lines 1 – 9) as in claims 8 and 20.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Attia et al. in view of Charles et al. (USPN 4,318,234).

Attia et al. disclose a patient wristband form (Column 3, lines 38 – 40; Figure 1, #10) comprising a transparent ply layer having an upper surface and a lower surface (Column 3, lines 46 – 47; Figure #13) made of film material (Column 3, lines 46 – 47), a release ply having an upper surface and lower surface (Column 4, lines 16 – 17; Figure 3, #23) wherein said release ply having a release coating on said upper surface of said release ply (Column 4, lines 19 – 20; Figure 3, #28) and wherein said transparent ply is removably mounted on said upper surface of said release ply by said pressure sensitive coating (Column 4, line 59; Figure 3, #18), a die cut in said transparent ply defining an elongated wristband (Column 3, lines 55 – 57), an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband (Column 3, lines 46 – 47) and a die cut in said transparent ply defining an overlamine label (Column 3, lines 61 – 64), said label being sized to cover at least a part of said central portion of said elongated wristband so as to cover indicia printed on said opaque coating (Column 5, lines 46 – 50) as in claims 1, 11 and 13. However, Attia et al. fails to disclose said transparent ply further defines one or more circular cut holes in said elongated wristband adjacent each end thereof, whereby said elongated wristband may be secured in place by a clasp, which engages one hole at each end of the wristband.

Charles et al. disclose a wristband (Column 1, lines 12 – 17) with a transparent ply (Column 9, lines 18 – 20) that further defines one or more circular cut holes (Figure 1a, #18 and 16) in said elongated wristband (Figure 1a, #4) adjacent each end thereof (Figure 1a, #6 and 8; Column 9, lines 23 – 26), whereby said elongated wristband may be secured in place by a clasp, which engages one hole at each end of the wristband (Column 9, lines 26 – 29; Figure 6a) for the

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purpose of having an identification that is easy to use, easy to apply while being tamper-resistant (Column 1, lines 6 – 11).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided with a transparent ply that further defines one or more circular cut holes in said elongated wristband adjacent each end thereof, whereby said elongated wristband may be secured in place by a clasp, which engages one hole at each end of the wristband in Attia et al. in order to have an identification that is easy to use, easy to apply while being tamper-resistant as taught by Charles et al.

5. Claims 10, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Attia et al. in view of Huddleston et al. (USPN 5,563,472).

Attia et al. disclose a patient wristband form (Column 3, lines 38 – 40; Figure 1, #10) comprising a transparent ply layer having an upper surface and a lower surface (Column 3, lines 46 – 47; Figure #13) made of film material (Column 3, lines 46 – 47), a release ply having an upper surface and lower surface (Column 4, lines 16 – 17; Figure 3, #23) wherein said release ply having a release coating on said upper surface of said release ply (Column 4, lines 19 – 20; Figure 3, #28) and wherein said transparent ply is removably mounted on said upper surface of said release ply by said pressure sensitive coating (Column 4, line 59; Figure 3, #18), a die cut in said transparent ply defining an elongated wristband (Column 3, lines 55 – 57), an opaque coating on said upper surface of said transparent ply in a central portion of said elongated

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wristband (Column 3, lines 46 – 47) and a die cut in said transparent ply defining an overlamine label (Column 3, lines 61 – 64), said label being sized to cover at least a part of said central portion of said elongated wristband so as to cover indicia printed on said opaque coating (Column 5, lines 46 – 50) as in claims 1, 11 and 13. However, Attia et al. fails to disclose an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband comprising a coating of a white, opaque ink and the transparent ply comprising a ply of substantially clear polyester film material.

Huddleston et al. teach an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband comprising a coating of a white, opaque ink (Column 3, lines 56 – 58) and the transparent ply comprising a ply of substantially clear polyester film material (Column 6, lines 6 – 7) for the purpose of having a wristband that may be printed with information in a single pass through a printer (Column 1, lines 5 – 8).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband comprising a coating of a white, opaque ink and the transparent ply comprising a ply of substantially clear polyester film material in Attia et al. in order to have a wristband that may be printed with information in a single pass through a printer as taught by Huddleston et al.

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***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

5/24/05